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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,172	03/10/2004	David J. Krause	CS23879RA	4057
20280 7590 01/25/2007 MOTOROLA INC 600 NORTH US HIGHWAY 45 ROOM AS437 LIBERTYVILLE, IL 60048-5343			EXAMINER CONTEE, JOY KIMBERLY	
			ART UNIT	PAPER NUMBER
			2617	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/25/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/797,172

Applicant(s)

KRAUSE, DAVID J.

Examiner

Joy K. Contee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/25/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1- 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Fehnel, US Patent No. 6,064,889.

Regarding claim 1, Fehnel discloses a method in a multi-mode wireless communications device capable of operating in CDMA and GSM communications modes, the method comprising: operating the multi-mode wireless communications device in CDMA communications mode; while operating in CDMA communications mode, generating an origination message including information indicating an ability of the multi-mode wireless communications device to operate in GSM communications mode (col. 8, lines 25-48 and col. 15, lines 3-26).

Regarding claim 2, Fehnel discloses the method of claim 1, generating the origination message includes setting a first field indicating that the origination message includes a second field indicating that the multi-mode wireless communications device is able to operate in GSM communications mode (col. 12, line 9 to col. 13, line 49).

Regarding claim 3, Fehnel discloses the method of claim 2, generating the origination message includes setting the second field to indicate that the multi-mode

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wireless communications device is able to operate in GSM communications mode (col. 12, line 9 to col. 13, line 49).

Regarding claim 4, Fehnel discloses the method of claim 3, setting the second field includes indicating whether the multi-mode wireless communications device is capable of communicating in at least one of a GSM single-slot mode and a GSM multi-slot mode (col. 12, line 9 to col. 13, line 49).

Regarding claim 5, Fehnel discloses the method of claim 1, transmitting the origination message while operating in CDMA communications mode (col. 12, line 9 to col. 13, line 49).

Regarding claim 6, Fehnel discloses the method of claim 5, receiving a channel assignment message, in response to sending the origination message, while operating in CDMA communications mode, the channel assignment message including GSM assignment information (col. 12, line 9 to col. 13, line 49).

Regarding claim 7, Fehnel discloses the method of claim 6, receiving the channel assignment message includes receiving an instruction to acquire a GSM network before receiving a channel allocation (col. 12, line 9 to col. 13, line 49).

Regarding claim 8, Fehnel discloses the method of claim 6, receiving the channel assignment message includes receiving a GSM channel allocation in the channel assignment message (col. 12, line 9 to col. 13, line 49).

Regarding claim 9, Fehnel discloses the method of claim 1, indicating that the message includes additional mode information by setting a flag indicating that additional mode information is included in the message (col. 12, line 9 to col. 13, line 49).

Regarding claim 10, Fehnel discloses a method in a multi-mode wireless communications device capable of operating in first and second communications modes in corresponding first and second networks, the method comprising: operating the multi-mode wireless communications device in the first mode communications mode on the first network; while operating in the first communications mode, generating a message including information indicating an ability of the multi-mode wireless communications device to operate in a second communications mode on the second network, the message is one of an origination message and a page response message (col. 12, line 9 to col. 13, line 49).

Regarding claim 11, Fehnel discloses the method of claim 10, generating the message include setting a flag indicating the presence of the information indicating the ability of the multi-mode wireless communications device to operate in the second communications mode(col. 12, line 9 to col. 13, line 49).

Regarding claim 12, Fehnel discloses the method of claim 10, indicating an ability of the multi-mode wireless communications device to operate in a third communications mode on one of the first and second network.

Regarding claim 13, Fehnel discloses a message for origination or page response by a multimode communications device, the message comprising: a first additional mode information field of the message for indicating an ability of a multimode communications device to accept a channel assignment in a first additional mode other than a first mode; a second additional mode information field of the message for indicating an ability of the multimode communications device to accept a channel

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assignment in a second additional mode other than the first mode and the first additional mode(col. 12,line 9 to col. 13, line 49).

Regarding claim 14, discloses the message of claim 13, the first mode is a CDMA communications mode, the first additional mode is an analog communications mode, the first additional mode information field for indicating an ability of the multimode communications device to accept a channel assignment in one of the CDMA communications mode and the analog communications mode(col. 12,line 9 to col. 13, line 49).

Regarding claim 15, Fehnel discloses the message of claim 13, the second additional mode is a GSM communications mode, the second additional mode information field for indicating an ability of the multimode communications device to accept a channel assignment in the GSM communications mode(col. 12,line 9 to col. 13, line 49).

Regarding claim 16, Fehnel discloses the message of claim 13, the first additional information field for indicating a preference of the multimode communications device to accept a channel assignment in one of the first mode and the first additional mode, the second additional information field for indicating an ability of the multimode communications device to accept a channel assignment in the second additional mode(col. 12,line 9 to col. 13, line 49).

Regarding claim 17, Fehnel discloses the origination message of claim 13, a second additional mode flag field of the message for indicating the presence of

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information in the second additional mode information field(col. 12,line 9 to col. 13, line 49).

Regarding claim 18, Fehnel discloses the origination message of claim 13, the second additional mode information field of the message for indicating an ability of the multimode communications device to accept a channel assignment in a second additional mode pursuant to at least one of a GSM communications protocol, an 802.11 communications protocol, a UMTS communications protocol, and voice over IP communications protocol(col. 12,line 9 to col. 13, line 49).

Regarding claim 19, Fehnel discloses a method in a CDMA communications network, the method comprising: generating a channel assignment message; providing GSM channel assignment information in the channel assignment message(col. 12,line 9 to col. 13, line 49).

Regarding claim 20, Fehnel discloses the method of claim 19, providing GSM channel assignment information in the channel assignment message includes providing information indicating that additional GSM channel assignment information is provided in the channel assignment message (col. 12,line 9 to col. 13, line 49).

Regarding claim 21, Fehnel discloses the method of claim 19, providing GSM channel assignment information in the channel assignment message includes providing assignment information for one of a GSM access grant channel or a GSM dedicated channel(col. 12,line 9 to col. 13, line 49).

Regarding claim 22, Fehnel discloses the method of claim 19, providing GSM channel assignment information in the channel assignment message includes providing

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information to re-send one of an origination message or page response message on a GSM Channel(col. 12,line 9 to col. 13, line 49).

Regarding claim 23, Fehnel discloses the method of claim 19, transmitting the channel assignment message to a wireless communications device connected to the CDMA communications network, providing the GSM channel assignment information in the channel assignment message includes providing a direct channel assignment (col. 12,line 9 to col. 13, line 49).

Regarding claim 24, Fehnel discloses the method of claim 19, transmitting the channel assignment message to a wireless communications device connected to the CDMA communications network, providing the GSM channel assignment information in the channel assignment message includes providing an access grant channel for the communications device to complete set up on the GSM network (col. 12,line 9 to col. 13, line 49).

Regarding claim 25, Fehnel discloses a method for network resource allocation in a first communications network, the method comprising: receiving a message from a multimode mobile station; generating a channel assignment message for the multimode mobile station operating in a first communications on the first network in response to the message; assigning the multimode mobile station to a second network in the channel assignment message; transmitting the channel assignment message to the multimode mobile station (col. 12,line 9 to col. 13, line 49).

Regarding claim 26, Fehnel discloses the method of claim 25, assigning the multimode mobile station to a second network in the channel assignment message

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includes providing a direct channel assignment in the channel assignment message (col. 12, line 9 to col. 13, line 49).

Regarding claim 27, Fehnel discloses the method of claim 25, assigning the multimode mobile station to a second network in the channel assignment message includes providing an access grant channel for the communications device to complete set up on the second network (col. 12, line 9 to col. 13, line 49).

Regarding claim 28, Fehnel discloses a method in a multimode communications device, the method comprising: receiving a channel assignment message while operating in a first mode pursuant to a first communications protocol, the channel assignment message including channel assignment information for a mode of operation pursuant to a second communications protocol; transitioning to one of an access grant channel or a dedicated channel based on the channel assignment information for the different mode of operation (col. 12, line 9 to col. 13, line 49).

Regarding claim 29, Fehnel discloses the method of claim 28, operating pursuant to a second communications protocol pursuant to the different mode of operation (col. 12, line 9 to col. 13, line 49).

Regarding claim 30, Fehnel discloses the method of claim 28, the first mode is CDMA mode, the second mode is GSM mode (col. 12, line 9 to col. 13, line 49).

Regarding claim 31, Fehnel discloses a channel assignment message native to a first communications protocol for transmission to a multimode communications device operable in a mode pursuant to the first communications protocol and operable in at least one other mode pursuant to a second communications protocol, comprising:

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channel assignment information of the channel assignment message including assignment information for one of an access grant channel of the second communications protocol or a dedicated channel of the second communications protocol(col. 12,line 9 to col. 13, line 49).

Regarding claim 32, Fehnel discloses the channel assignment message of claim 31 is native to a CDMA communications protocol, the channel assignment information of the channel assignment message is for a GSM communications protocol(col. 12,line 9 to col. 13, line 49).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K. Contee whose telephone number is 571.272.7906. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571.272.7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC


JOY K. CONTEE
PATENT EXAMINER